

1 A. Um, yes, I do, but I can't think of it  
2 right now, because I used to go by his house on the  
3 way to work. Dover. Dover, Massachusetts.

4 Q. Okay. That's all I have. Thanks.

5 CROSS-EXAMINATION

6 Q. (BY MS. LINDEMANN) Mr. Chartier, my name  
7 is Frances Lindemann, and I represent Hardric  
8 Laboratories, and I'm wondering if during the years  
9 1928 and 1990 you purchased anything from Hardric  
10 Laboratories.

11 A. I don't really recall that company name.  
12 Were you in Massachusetts? Was Hardric Labs in  
13 Massachusetts?

14 Q. Um, I don't think we need -- just answer my  
15 questions yes or no. Sorry.

16 A. Oh, okay.

17 Q. If that name doesn't ring a bell to you --

18 A. No, it doesn't ring a bell.

19 Q. I'm going to reserve any other questions  
20 until after the plaintiffs have finished theirs.  
21 Thank you, sir.

22 CROSS-EXAMINATION

23 Q. (BY MR. MATANOVIC) Good afternoon, sir.  
24 We met earlier this morning, but I will reintroduce

1 myself for the record. My name is Stephan  
2 Matanovic. I represent the Genereux family in this  
3 action. Do you need a break for any reason at all  
4 --

5 A. No.

6 Q. -- or are you ready to proceed? Okay. I  
7 want to talk a little bit about the process by  
8 which a supplier with whom you've not done business  
9 in the past seeks your business. How does that  
10 happen? Does a salesperson approach you? How did  
11 that happen when you were a buyer for Raytheon in  
12 the '80's and early '90's?

13 A. It happens several different ways. One is  
14 a referral.

15 Q. From another vendor?

16 A. From -- not necessarily another vendor, but  
17 from one of our technical types saying that they  
18 went somewhere and they seen this particular vendor  
19 and they liked what they seen.

20 Q. Sort of in a trade show kind of setting or  
21 something like that?

22 A. Could be, yes.

23 Q. Okay.

24 A. And can you include them on your next bid

1 or whatever. I would always do that.

2 Q. How else would you acquire new vendors?

3 A. Vendors would call on us.

4 Q. Cold call?

5 A. Cold call coming in, yeah, or I seen some  
6 article in some trade magazine.

7 Q. We talked a little bit about the process of  
8 your putting out bids for materials?

9 A. Mm-hmm.

10 Q. What materials specifically did you supply  
11 to the vendors to whom you were issuing a request  
12 for bids?

13 A. Um, always the specification drawing.

14 Q. The Raytheon drawing?

15 A. The Raytheon drawing, okay? And I tried to  
16 make sure that I supplied all the items listed on  
17 the drawing, all the documents listed on the  
18 drawing. If there was a policy and procedure  
19 there, I tried to give that to the vendor.

20 However, it was made very clear to the vendor that  
21 if I forgot to give it to them, it's their  
22 responsibility to come back to us and ask for it,  
23 okay, and if they don't ask for it, the presumption  
24 is that they have it.

1 Q. Is that what you meant when you were  
2 answering Mr. Ahern's question a little while ago  
3 about the policy in the, uh, Exhibit 12, I believe  
4 it was?

5 A. Yeah, mm-hmm.

6 Q. As a purchaser for Raytheon, did you only  
7 purchase for the Waltham plant, or did you purchase  
8 for other facilities as well?

9 A. I purchased for other facilities, yes.

10 Q. What other facilities did you purchase for?

11 A. The Northborough facility and the Quincy  
12 facility.

13 Q. Did you do any purchasing for Sudbury?

14 A. I'm in Sudbury now, but not back then, no,  
15 sir.

16 Q. When did you move to Sudbury?

17 A. 1996.

18 Q. Prior to that, you did not do any  
19 purchasing for Sudbury; is that correct?

20 A. No, sir. They had their own buyers.

21 (Exhibit 17 marked for identification.)

22 Q. Please take a look at what the court  
23 reporter's marked as Exhibit 17. Sir, have you had  
24 the opportunity to look at and review --

1 for speculation.

2 A. With -- again, if that were the scenario,  
3 the buyer would have to get concurrent approval  
4 from engineering and quality. It would not be our  
5 choice to say we want to try to requalify somebody.  
6 It's not us.

7 Q. (BY MR. MATANOVIC) Was there any  
8 prohibition on seeking such a requalification, a  
9 stated company policy that prohibited you from  
10 trying that?

11 A. No, unless it was a contractual thing.

12 Q. Sure. Do you yourself ever do any  
13 purchasing of beryllium metal? Not beryllium  
14 ceramic, in other words; soft beryllium metal in  
15 its various forms?

16 A. No, sir.

17 Q. Do you know who at Raytheon's Waltham plant  
18 in the early '80's was in charge of that  
19 purchasing?

20 A. We had a raw material buyer who sat in back  
21 of me who would place nothing but orders for  
22 metals, any and all kinds of metals used in our  
23 process.

24 Q. Did you have any oversight over that

1 person's job duties?

2 A. Not when I first came there, no.

3 Q. You did at some point come to have  
4 oversight over him?

5 A. Well, he -- I believe he became ill and  
6 either passed away or he left, and then there was  
7 another buyer that took over his responsibilities  
8 for that commodity.

9 Q. And when you became purchasing manager, you  
10 had oversight over that person?

11 A. Yes.

12 Q. Do you remember that person's name?

13 A. Bruce Boulter.

14 Q. Bolter, B-O-L-T-E-R?

15 A. B-O-U-L-T-E-R.

16 Q. How long did Bruce Boulter serve in the  
17 capacity of a purchaser for raw materials at  
18 Raytheon?

19 A. Probably four or five years.

20 Q. Until sometime in the late 1980's?

21 A. When they broke it apart, when they --

22 Q. Oh, so he stopped doing that when the  
23 corporate structure was dissolved?

24 A. Yeah, right. Mm-hmm.

1 Q. Sitting here today, do you recall the names  
2 of any vendors from whom beryllium metal was  
3 purchased?

4 A. No, I don't.

5 (Exhibit 18 marked for identification.)

6 Q. Sir, I've put in front of you what has been  
7 marked as Exhibit 18. I assume you've probably  
8 never seen that before; is that correct?

9 A. I don't recall this, no, even though it's  
10 got my name on it.

11 Q. I represent to you this is a Brush Wellman  
12 document, and as you notice, your name is on there;  
13 is that correct?

14 A. Yes, it is.

15 Q. Do you know what this document pertains to?

16 A. No, I don't. I see the name Hardric and --

17 Q. You see the name Hardric in relation to  
18 beryllium rings, correct?

19 A. I see the name Hardric, yes.

20 Q. And the first sentence of this document  
21 reads this Raytheon division uses beryllium rings  
22 machined by Hardric for electron emitter rings in  
23 power tubes. Isn't that what it says?

24 A. That's what it says. I don't know what it

1 means, but that's what it says. I don't know what  
2 an emitter ring is.

3 Q. Do you ever recall having a meeting with a  
4 representative from Brush Wellman regarding emitter  
5 rings manufactured from beryllium machined by  
6 Hardric?

7 A. No, sir.

8 Q. Does this document refresh your  
9 recollection as to whether or not Raytheon  
10 purchased beryllium materials from Hardric?

11 A. No.

12 Q. Does this document refresh your  
13 recollection as to whether Raytheon purchased raw  
14 materials, raw beryllium materials, from Hardric,  
15 or any other vendor, for that matter?

16 A. Raw beryllium?

17 Q. Yes, beryllium metal.

18 A. No, it does not.

19 Q. Drawing your attention to the second  
20 paragraph of this document, it refers to Hardric's  
21 financial problems. Do you know what that's  
22 referring to?

23 A. Frankly, I don't remember the name Hardric.  
24 It just does not ring a bell. Maybe when I leave

Page 74

1 window that was approximately three inches in  
2 diameter?  
3 A. In the truest sense of your question, I  
4 don't remember, but I would probably say yes.  
5 Q. What do you mean by that, sir? What --  
6 A. You had such a product -- Brush Wellman had  
7 such a product mix, and we had such a product line,  
8 it wasn't limited to -- if you're talking BWO's,  
9 like I buy a three-inch window for a BWO, that  
10 would be used on all BWO's. That's not the case.  
11 We had many, many different types of BWO's, okay?  
12 We also had many different types of traveling wave  
13 tubes or Klystrons.  
14 Q. Well, that's fine, but I asked you a  
15 specific question, and that is -- I've asked you  
16 already what you bought from Brush Wellman.  
17 A. Right.  
18 Q. And you told me toothpicks or rods and  
19 cylinders?  
20 A. Yes.  
21 Q. Also called collectors, I guess?  
22 A. Mm-hmm.  
23 Q. And you've not identified any -- any  
24 windows or disks that Raytheon bought from Brush

Page 75

1 Wellman.  
2 A. Okay.  
3 Q. Correct?  
4 A. Yeah.  
5 Q. And so I want to be very clear, as we sit  
6 here today, do you remember specifically whether  
7 you remember Raytheon purchasing any beryllium  
8 oxide windows from Brush Wellman?  
9 MR. MATANOVIC: Objection. Asked and  
10 answered.  
11 A. Beryllium oxide window from Brush? I would  
12 say yes.  
13 Q. (BY MR. UBERSAX) Well, tell me what size  
14 and shape they were.  
15 A. I can't remember that, sir.  
16 Q. Tell me what they were used for.  
17 A. Could have been used in BWO's; could have  
18 been used in --  
19 Q. Again, I don't want your speculation.  
20 A. No, I understand what you're saying, okay?  
21 I just don't recall that kind of detail.  
22 Q. Do you recall whether any of -- whether  
23 Raytheon ever purchased a window from Brush Wellman  
24 that was three inches in diameter, approximately?

Page 76

1 A. Answering your question, no.  
2 Q. Do you recall purchasing a three-inch  
3 diameter beryllium oxide window from any other  
4 vendor?  
5 A. Yes.  
6 Q. Which other vendor?  
7 A. Ceradyne.  
8 Q. Do you recall how that -- what that  
9 three-inch diameter window was used for?  
10 A. Not specifically, no.  
11 Q. Do you recall whether the Klystron  
12 amplifier included a three-inch diameter window?  
13 A. Klystrons, yes. Big tubes.  
14 Q. And they did? They had a three-inch  
15 window?  
16 A. Well, are you asking me a specific  
17 three-inch plus or minus ten?  
18 Q. Yes, approximately.  
19 A. I don't know, sir. I can't answer that. I  
20 might have ordered two and three quarter inch or I  
21 might have ordered three and a quarter inch, but  
22 specifically three? No, I can't answer that.  
23 Q. Well, I'm not asking -- do you recall that  
24 there was a beryllium oxide window of roughly three

Page 77

1 inches in diameter that was used in the Klystron  
2 amplifier?  
3 A. Yes.  
4 Q. And is it true that the source, Raytheon's  
5 source for that particular window was Ceradyne?  
6 A. They were one of the sources, yes.  
7 Q. Were there other sources for that  
8 particular window?  
9 A. Probably, but I can't remember specifically  
10 who.  
11 Q. Did Brush Wellman ever fail to qualify as a  
12 vendor of three-inch -- approximate three-inch  
13 diameter beryllium oxide windows?  
14 A. I don't know how to answer that question.  
15 Q. Why not?  
16 A. Because of what I did, I would try to  
17 qualify you in everything that I bought.  
18 Q. Okay. Well --  
19 A. I don't remember the specific sizes. I  
20 just know how I operated. You're a BEO supplier.  
21 I want you to supply everything.  
22 Q. But did it sometimes happen that with  
23 respect to particular parts, Brush Wellman would  
24 fail to qualify?

20 (Pages 74 to 77)

Page 70

1 A. Yeah, it's dimensioned -- it's one and one  
2 -- almost one and one half inches in diameter with  
3 a plus or minus 5,000 tolerance on it, and the --  
4 no, this is a disk. This is a -- it's not a  
5 cylinder. It is a disk. It's a half-inch thick by  
6 approximately inch and a half in diameter.

7 Q. Okay. What vendors were -- did receive --  
8 vendor or vendors did receive the contract to sell  
9 beryllium oxide disks for use in the backward wave  
10 oscillator to Raytheon?

11 A. I couldn't answer that, sir; not today,  
12 anyway.

13 Q. Is there some way that you could answer  
14 that question by looking at Raytheon documents of  
15 any kind?

16 A. Well, back in those days, I -- there's very  
17 little that I forgot. I just -- I just don't  
18 remember who they were, but --

19 MR. UBERSAX: Mark this as the next  
20 exhibit.

21 (Exhibit 4 marked for identification.)

22 Q. (BY MR. UBERSAX) I know you haven't -- you  
23 haven't seen Exhibit 4 before, have you, sir?

24 A. I don't -- no, sir. I don't recall seeing

Page 71

1 it.

2 Q. All right. This is a document from Brush  
3 Wellman's files, and I just wondered whether it  
4 might refresh your recollection about quotation  
5 SA902, which we marked as Exhibit 3. So when  
6 you're done looking at that, just let me know and  
7 I'll ask you some questions.

8 A. Are you asking me --

9 Q. All set?

10 A. -- if your Exhibit 3 is in relation to  
11 this, this document? Was that your question?

12 Q. I haven't asked a question yet, sir.

13 A. Okay. I'm sorry.

14 Q. Does -- have you had a chance to read  
15 Exhibit 4 now?

16 A. Pretty much, yes.

17 Q. Does that refresh your recollection about  
18 whether Brush Wellman submitted a bid for beryllium  
19 oxide parts to be used in the backward wave  
20 oscillator?

1 A. I can't tell from this.

2 Q. All right. Let me -- let me just read to  
3 you from the eighth paragraph in Exhibit 4.  
4 Mr. Chesmar wrote, reviewed some quotations with

Page 72

1 Chartier. Our quotation SA902, copy attached, for  
2 a D dash MOSCP dash 1400 dash 500 was a little  
3 high. It is for a backward wave oscillator they  
4 quoted on and we will know if they were awarded the  
5 contract about the first week of March. Our price  
6 was close to the lowest but not the lowest, but  
7 over 16-week delivery was unacceptable.

8 A. Mm-hmm.

9 Q. Now, does any of that refresh your  
10 recollection about whether Brush Wellman bid for a  
11 part to be used in the backward wave oscillator?

12 A. Yes.

13 Q. Does it?

14 A. Yes.

15 Q. What do you remember now?

16 A. No. It's too FAR back. You know, I can  
17 read the memo, but that's all I really remember.  
18 Again, it was probably part of my quest to secure  
19 your company for supplying us beryllia, okay? And  
20 although what I said, Chartier is getting very  
21 upset, I've always felt that Brush Wellman was a  
22 first class company, all right, and very, variable  
23 -- a very valuable asset to Raytheon, so I don't  
24 quite know what the context of this memo was way

Page 73

1 back then other than me probably trying to get you  
2 guys to reduce your price, and that's some of the  
3 strategy that I would use.

4 Q. Who ended up being the successful bidder  
5 for the backward wave oscillator parts?

6 A. I couldn't answer that, sir.

7 Q. Was it Ceradyne?

8 A. Um, don't forget now, this is only one  
9 configuration, okay? The BWO's, they were -- you  
10 know, there was everything in the BWO -- there was  
11 a lot of different products made by BWO's. My  
12 guesstimate is that you probably were qualified on  
13 some of them for me to be able to go out and try to  
14 call you on another one of the configurations for  
15 another product line. That's just the way I did  
16 things.

17 Q. Well, sir, I mean, that's with respect,  
18 we're not asking for your guesses, and really, the  
19 question is do you have a specific recollection of  
20 purchasing from Brush Wellman any beryllium oxide  
21 part that was used in a backward wave oscillator.

22 A. No, sir.

23 Q. Do you have a specific recollection of ever  
24 purchasing from Brush Wellman a beryllium oxide

19 (Pages 70 to 73)



1 here, tomorrow morning it will pop into my mind,  
2 but right now I just --

3 Q. Certainly, if that's the case, I hope you  
4 will advise your lawyer and then he will let us  
5 know. So it's safe to say you have no recollection  
6 of Raytheon trying to find other sources for parts  
7 other than Hardric?

8 A. No.

9 (Exhibit 19 marked for identification.)

10 Q. Sir, have you seen these documents before?

11 A. No. I don't recall seeing those before,  
12 no.

13 Q. Do you know what they are?

14 A. It looks like it's an invoice from Brush  
15 Wellman to Raytheon for drop shipped materials to  
16 this Hardric Labs in Waltham, Mass., beryllium  
17 tube.

18 Q. In your experience as a purchaser and later  
19 purchasing manager for Raytheon, did -- do you know  
20 of any instance in which Raytheon purchased  
21 materials for drop shipment to a secondary  
22 processor or alternative finisher such as Hardric  
23 in this case?

24 MS. LINDEMANN: Objection.

1 MR. WYMAN: Objection to the  
2 characterization.

3 Q. (BY MR. MATANOVIC) Who at Waltham would  
4 know or who at Raytheon at this point would know --  
5 would have knowledge of the purchases by Raytheon  
6 of materials finished or machined at Hardric?

7 A. I don't know that there's anybody left that  
8 would know.

9 Q. Do you know if records exist at Raytheon  
10 with regard to these purchases?

11 A. No. Those are gone.

12 Q. Are these the materials that you were  
13 talking about that were -- that get destroyed on a  
14 periodic basis?

15 A. Well, there's a record retention policy  
16 that we had that every seven years, everything is  
17 discarded, but over and above that, the businesses  
18 themselves were sold off and all documents that were  
19 -- were available were -- went with the business.

20 Q. So we would have to follow the chain of  
21 those documents to find more information --

22 A. Yeah.

23 Q. -- other than those purchase orders?

24 A. Yeah. I wish I could help you on this. I

1 A. Yes.

2 Q. (BY MR. MATANOVIC) What instances do you  
3 have knowledge of?

4 A. The Ferro Ceramic Grinding that I mentioned  
5 this morning, we would buy the match sticks, okay,  
6 from Brush, and then we in turn would look at them  
7 and then ship them to Ferro Ceramic Grinding to use  
8 that very, very specialized piece of  
9 government-furnished equipment that they had in  
10 their site to finish these sticks for Raytheon.

11 Q. Sir, Exhibit 19 is -- appears to be --  
12 appears to be 12 purchase orders billed to Raytheon  
13 in Waltham and shipped to Hardric. Does this  
14 document or do these documents refresh your  
15 recollection as to whether Raytheon purchased  
16 materials or products from Hardric or used Hardric  
17 as an intermediate?

18 A. They must have done something, okay, but I  
19 don't recall what it was. I have no idea.  
20 Beryllium? I just don't know beryllium under that  
21 definition. This is a metal?

22 Q. It's a metal that is the component of  
23 beryllium ceramic.

24 A. I don't know what that is.

1 don't recall this at all. I have no idea what that  
2 is.

3 Q. Do you have any reason to believe that  
4 Raytheon didn't buy materials from Hardric?

5 MS. LINDEMANN: Objection.

6 A. I don't know how to answer that. Let me  
7 answer it the way I think. Just looking at this,  
8 is it possible, and I'm just guessing now, that we  
9 purchased material, whatever this stuff is, from  
10 Brush Wellman --

11 MR. JACOBS: I don't think anyone wants  
12 you to guess.

13 A. Okay. All right.

14 Q. (BY MR. MATANOVIC) I don't think you  
15 answered my last question, sir. Is there any  
16 reason that you have to believe that you didn't --  
17 Raytheon didn't purchase the materials from Brush  
18 Wellman for finishing at Hardric and use at  
19 Raytheon?

20 MS. LINDEMANN: Objection. Assuming,  
21 foundation.

22 Q. (BY MR. MATANOVIC) You may answer your  
23 question.

24 A. I don't know what this is.